

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Yu	Team: Squad #16	CCRB Case #: 201507319	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 08/28/2015 4:30 PM	Location of Incident: Neptune Avenue and West 33rd Street	Precinct: 60	18 Mo. SOL 2/28/2017	EO SOL 2/28/2017	
Date/Time CV Reported Mon, 08/31/2015 12:26 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 08/31/2015 12:26 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Frank Kish	02413	943443	060 PCT
2. Officers			060 PCT
3. LT Christophe Zaleski	00000	923399	060 PCT
4. An officer			060 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Christophe Zaleski	Abuse: Lt. Christopher Zaleski stopped § 87(2)(b)	
B.SGT Frank Kish	Abuse: Sgt. Frank Kish stopped § 87(2)(b)	
C. An officer	Abuse: An officer stopped § 87(2)(b)	
D.LT Christophe Zaleski	Abuse: Lt. Christopher Zaleski frisked § 87(2)(b)	
E.LT Christophe Zaleski	Abuse: Lt. Christopher Zaleski searched § 87(2)(b)	
F. An officer	Abuse: An officer frisked § 87(2)(b)	
G. An officer	Abuse: An officer frisked § 87(2)(b)	
H. An officer	Abuse: An officer searched § 87(2)(b)	
I.SGT Frank Kish	Abuse: Sgt. Frank Kish frisked § 87(2)(b)	
J.SGT Frank Kish	Abuse: Sgt. Frank Kish searched § 87(2)(b)	
K.SGT Frank Kish	Abuse: Sgt. Frank Kish searched the vehicle in which § 87(2)(b) was an occupant.	
L.LT Christophe Zaleski	Abuse: Lt. Christopher Zaleski searched the vehicle in which § 87(2)(b) was an occupant.	
M. Officers	Abuse: Officers searched the vehicle in which § 87(2)(b) was an occupant.	
N. Officers	Abuse: Officers refused to provide their names and shield numbers to § 87(2)(b)	

### Case Summary

On August 31, 2015, § 87(2)(b) filed this complaint with CCRB via telephone.

On August 28, 2015, at approximately 4:30 p.m., § 87(2)(b) was seated inside a stationary car at the vicinity of Neptune Avenue and West 33<sup>rd</sup> Street with § 87(2)(b) and § 87(2)(b) when Lt. Christopher Zaleski and Sgt. Frank Kish approached. Lt. Zaleski subsequently stopped § 87(2)(b). Sgt. Kish stopped § 87(2)(b) and an officer stopped § 87(2)(b) (**Allegations A, B, and C**). At some point thereafter, additional officers arrived on the scene. § 87(2)(b) alleged that Lt. Zaleski ordered him out of the vehicle and then frisked and searched him (**Allegations D and E**). § 87(2)(b) alleged that § 87(2)(b) was also removed from the vehicle and brought to the rear where he was frisked by an officer (**Allegation F**). § 87(2)(b) also alleged that an officer frisked and searched him at the rear of the vehicle (**Allegations G and H**). Subsequently, Sgt. Kish ordered § 87(2)(b) out of the vehicle and then frisked and searched him (**Allegations I and J**). All of the occupants were then brought to the rear of the vehicle. Lt. Zaleski, Sgt. Kish, and officers proceeded to search § 87(2)(b)'s vehicle (**Allegations K, L, and M**). Lt. Zaleski and Sgt. Kish returned to the occupants and returned their IDs. § 87(2)(b) then asked the additional officers for their name and shield numbers, but none of the officers provided the requested information (**Allegation N**). § 87(2)(b) and § 87(2)(b) were subsequently released by the officers. None of the occupants were arrested or issued a summons during the incident. Moreover, Sgt. Kish prepared Stop, Question and Frisk reports (UF250) for § 87(2)(b) and § 87(2)(b) (Board Review 03-05).

Due to the delayed receipt of NYPD documents (24 days from date requested to date received) and that § 87(2)(b) contact information was only obtained after the receipt of the documents, the undersigned investigator could not proceed with contact attempts to § 87(2)(b) until approximately 30 days after the start of the investigation. Thus, length of this investigation exceeded 90 days.

### Mediation, Civil and Criminal Histories

- § 87(2)(b) and § 87(2)(b) both rejected mediation during their CCRB interview (Board Review 01 and 02).
- As of December 14, 2015, § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim in regards to this incident (Board Review 21).
- § 87(2)(b) [REDACTED]
- § 87(2)(b) has no prior criminal convictions (Board Review 12).
- § 87(2)(b) has no prior criminal convictions (Board Review 13).

### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has been involved in three prior CCRB complaints with no substantiated allegations (Board Review 08).
- § 87(2)(b) has been involved in one prior CCRB complaint with no substantiated allegations (Board Review 09).
- § 87(2)(b) has no prior CCRB complaints (Board Review 10).
- Sgt. Kish has been a member of the NYPD for 8 years and has had two prior CCRB allegations pled against him involving two cases; none of which were substantiated § 87(2)(g) (See officer history).
- Lt. Zaleski has been a member of the NYPD for 17 years and has had 17 prior CCRB allegations pled against him involving six cases with no substantiated allegations § 87(2)(g) (See officer history).

### **Potential Issues**

- § 87(2)(b) presented video footage and photos on his phone, but due to incompatibilities with his device and the CCRB's equipment, the aforementioned evidence could not be retrieved. § 87(2)(b) was subsequently contacted to schedule a time for him to provide this evidence, but he was ultimately uncooperative and failed to provide the video footage and photographs to the CCRB.
- § 87(2)(b) was identified to be the third occupant in the vehicle via the UF250 (Board Review 05). However only an address was included in the UF250. Database searches for § 87(2)(b) yielded negative results for a phone number. Between September 29, 2015, and October 8, 2015, § 87(2)(b) was sent three letters; none of which were returned by the US Postal Service. To date, the CCRB has not established contact with § 87(2)(b).

### **Findings and Recommendations**

#### **Explanation of Subject Officer Identification**

- § 87(2)(b) alleged that Sgt. Kish, Lt. Zaleski, and an unidentified officer initially approached his vehicle. However, § 87(2)(b) Sgt. Kish, and Lt. Zaleski all stated that Sgt. Kish and Lt. Zaleski were the only two officers that approached the vehicle. § 87(2)(g)
- § 87(2)(b) and § 87(2)(b) alleged that additional plainclothes officers in unmarked vehicles arrived on the scene. However, they were unable to provide adequate descriptions of these additional officers and provided conflicting descriptions of vehicles. To date, § 87(2)(b) has not provided the evidentiary photos and videos to the CCRB. Additionally, Sgt. Kish and Lt. Zaleski both stated that additional officers arrived on the scene, but they too did not recall who the officers were and stated that they did not take any police action during the incident. § 87(2)(g)

**Allegations not pleaded:**

**Abuse of Authority: Interference of civilian recording an incident**

According to a recording of the incident, § 87(2)(b) was recording the incident when Lt. Zaleski instructed him to exit the vehicle, saying, “You have to put that down, I know you want to video record” (Board Review 01). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation A—Abuse of Authority: Lt. Christopher Zaleski stopped § 87(2)(b)**

It is undisputed that Lt. Zaleski and Sgt. Kish approached § 87(2)(b)'s vehicle which was legally parked on Neptune Avenue and West 33<sup>rd</sup> Street, in Brooklyn. Lt. Zaleski stopped § 87(2)(b) subsequent to the approach. The circumstances around the stop of § 87(2)(b) are in dispute.

§ 87(2)(b) described that his vehicle's windows were not tinted (Board Review 02). § 87(2)(b) stated that all four windows on § 87(2)(b)'s vehicle were lightly tinted, but light enough to see through (Board Review 01). Both § 87(2)(b) and § 87(2)(b) stated that they were not doing anything else besides talking inside the vehicle prior to the officers approaching. Lt. Zaleski and Sgt. Kish subsequently approached § 87(2)(b)'s vehicle and Lt. Zaleski requested for his ID first which he provided immediately after being instructed to do so.

As Lt. Zaleski and Sgt. Kish drove down Neptune Avenue, they both initially observed § 87(2)(b) standing alone on the passenger side of his vehicle which had heavily tinted windows. Lt. Zaleski described the tints to be so dark that he was unable to see into the vehicle. However, Sgt. Kish stated that even though the tints were dark he was able to observe the silhouette of the occupants. They both observed that once § 87(2)(b) noticed their police vehicle, he hastily entered the driver's seat. Lt. Zaleski stated that § 87(2)(b)'s change in facial expression from casual to a more serious look led him to believe that § 87(2)(b) made out their department vehicle. Sgt. Kish also had a similar observation of § 87(2)(b)'s facial expression and added that their car, a black Chevrolet Impala, was commonly used as a police vehicle. At this point, both Lt. Zaleski and Sgt. Kish decided to approach § 87(2)(b)'s vehicle solely to investigate the vehicle's tinted windows. Neither Lt. Zaleski nor Sgt. Kish was in possession of a tint meter and Sgt. Kish did not have a summons book. However, they both confirmed that a summons could have been issued without a tint meter. Lt. Zaleski approached the driver side of the vehicle while Sgt. Kish approached the passenger side. Lt. Zaleski subsequently spoke with § 87(2)(b) and requested for his ID. Ultimately, a summons was not issued because both Sgt. Kish and Lt. Zaleski used their discretion to not issue one.

Sgt. Kish prepared UF250 reports for all of the individuals for the suspected crime of criminal possession of a weapon (Board Review 03-05). The circumstances leading to the stop, as indicated in the UF250 reports for § 87(2)(b) had indications of furtive movements, actions indicative of casing victim or location, and associating with a known criminal.

When an officer has probable cause to believe that the driver of an automobile has committed a traffic violation, a stop is justified. Additionally, in making that determination of probable cause, neither the primary motivation of the officer nor a determination of what a reasonable traffic

officer would have done under the circumstances is relevant, People v. Robinson, 97 N.Y.2d 341 (2001) (Board Review 20). The Supreme Court adopted that an officer's probable cause to believe an individual has violated traffic code rendered the vehicle stop reasonable, Whren v. United States, 517 U.S. 806 (1996) (Board Review 19).

§ 87(2)(g)

§ 87(2)(g)

**Allegation B—Abuse of Authority: Sgt. Frank Kish stopped** § 87(2)(b)

**Allegation I—Abuse of Authority: Sgt. Frank Kish frisked** § 87(2)(b)

**Allegation J— Abuse of Authority: Sgt. Frank Kish searched** § 87(2)(b)

It is undisputed that Sgt. Kish stopped and frisked § 87(2)(b) upon approaching the vehicle to investigate the suspected tint infraction. However, the circumstances leading to the stop and frisk are in dispute. Moreover, it is also in dispute whether Sgt. Kish searched § 87(2)(b)

§ 87(2)(b) stated that he sat in the front passenger seat of § 87(2)(b) vehicle as they waited for his friend (Board Review 01). § 87(2)(b) was talking to § 87(2)(b) and § 87(2)(b) inside of the vehicle as they waited and did nothing else. He denied anyone approaching the vehicle, exiting the vehicle, or engaging in any illegal activity. Approximately 15-20 minutes later, § 87(2)(b) observed an unmarked black Chevrolet Impala make a U-turn, stop behind their vehicle, and then turned on its turret lights. § 87(2)(b) stated that Lt. Zaleski first asked for § 87(2)(b)'s identification and then a few minutes later Sgt. Kish asked for his identification which they both immediately provided upon request. Subsequent to the stop, Sgt. Kish instructed § 87(2)(b) out of the vehicle and proceeded to pat down his pant pockets, and groin area. § 87(2)(b) further alleged that Sgt. Kish removed his hat and looked inside and ran his fingers inside the collar of his shirt.

Both Sgt. Kish and Lt. Zaleski corroborated one another's statements in that the area of the incident had incidents involving shootings (Board Review 06 and 07). They both determined to approach the vehicle because of the observed dark tints installed. As they stopped behind § 87(2)(b)'s vehicle, Sgt. Kish observed the silhouettes of three occupants and movements inside the

vehicle prior to exiting. Sgt. Kish stated that he observed the car bouncing up and down, the front passenger ducking forward which caused him to temporarily lose sight of his upper body, and the rear passenger sitting on the driver side leaning forward and diagonally towards the front passenger. Sgt. Kish believed that the occupants were moving something in the vehicle and possibly trying to hide something, but could not specify what he believed it to be. Sgt. Kish did not see the exchange of any objects or any of the occupants making any physical. However, once Sgt. Kish approached the passenger side of the vehicle, he observed the driver and the front passenger make hand to hand contact over the center console area, but did not see any objects in their hands. He conceded that they could have been passing the vehicle's documents to one another. Once Sgt. Kish was at the passenger side of the vehicle, he immediately recognized § 87(2)(b) in the front passenger seat. At this point, Sgt. Kish determined that a further investigation was necessary to see whether there was a weapon inside the car. Subsequently, Sgt. Kish asked § 87(2)(b) for his identification and instructed § 87(2)(b) out of the vehicle because of his known violent criminal history in addition to his observed movements. § 87(2)(b) initially displayed resistance by asking "Why?", but he eventually exited the vehicle. Once out of the vehicle, § 87(2)(b) continued his verbal resistance by refusing to turn around and Sgt. Kish had to repeatedly ask § 87(2)(b) to turn around. Eventually, after § 87(2)(b) turned around, Sgt. Kish proceeded to frisk § 87(2)(b)'s waistband, underneath his armpits, and ankles to ensure that he did not have any knives or firearms. During the frisk, Sgt. Kish felt an object and determined it to be a belt buckle due to its shape and did not lift up his shirt. Sgt. Kish did not observe any bulges or feel any additional bulges on § 87(2)(b). Moreover, Sgt. Kish denied searching § 87(2)(b).

Lt. Zaleski did not reiterate any of Sgt. Kish's observations prior to exiting the vehicle because he was unable to see through the vehicle's dark tints. He was unaware of the presence of any additional occupants inside the vehicle until he spoke with § 87(2)(b). Moreover, it was solely Sgt. Kish's decision to instruct § 87(2)(b) to exit the vehicle and to frisk him. However, Lt. Zaleski also stated that once he saw § 87(2)(b) inside the vehicle, his intent had changed to ensuring there were no firearms inside of the vehicle due to his criminal history.

Lt. Zaleski stated that § 87(2)(b) had been arrested with a firearm in the past and has been involved in shootings (Board Review 06). Additionally, Lt. Zaleski mentioned that a few days prior to this incident, § 87(2)(b) had been arrested by Narcotics officers. During § 87(2)(b)'s arrest, he fought with the officers and destroyed evidence. Sgt. Kish had generally the same knowledge of § 87(2)(b)'s criminal history. However, Sgt. Kish did not mention that § 87(2)(b) had been arrested with a firearm in the past (Board Review 07). Additionally, Sgt. Kish was not aware if § 87(2)(b) had any open criminal complaints, but knew that he was not on probation or parole. Sgt. Kish stated that since he was the Intelligence Sergeant, he has knowledge of known perpetrators.

Sgt. Kish prepared a UF250 for § 87(2)(b) and indicated that the circumstances leading to the stop were because of furtive movements, actions indicative of casing victim or location, and being a known criminal (Board Review 04). Moreover, it was indicated that § 87(2)(b) was frisked due to the circumstances of "knowledge of suspect's prior criminal violent behavior/use of force/use of weapon", "furtive movements", and "refusal to comply with officer's directions." It was also indicated that § 87(2)(b) was searched solely because of a hard object.

An officer may stop a person when he has reasonable suspicion that the person has committed, is committing or is about to commit a felony or misdemeanor. An officer may frisk an individual that has been stopped if the officer reasonably suspects that the person is armed and dangerous, People v. DeBour 40 N.Y.2d 210 (1976) (Board Review 15). In order to perform a frisk, an officer may perform must have reasonable suspicion that a person is armed and dangerous, Arizona v. Johnson 555 U.S. 323(2009) (Board Review 14). While an officer's knowledge of a person's criminal history may be relevant to providing founded suspicion of criminality, founded suspicion of criminal activity arises only when there is some present indication of criminality based on observable conduct, People v. Boulware 130 A.D2d 370 (Board Review 16).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

**Allegation C—Abuse of Authority: An officer stopped Christian § 87(2)(b)**

**Allegation F—Abuse of Authority: An officer frisked Christian § 87(2)(b)**

§ 87(2)(b) was also stopped by an officer during the incident. § 87(2)(b) alleged that when § 87(2)(b) and § 87(2)(b) stood by the rear of the vehicle, § 87(2)(b) was subsequently frisked by an officer (Board Review 01). § 87(2)(b) was unable to identify this officer. Moreover, § 87(2)(b)

§ 87(2) did not reiterate this (Board Review 02). To date, the CCRB has been unable to establish contact with § 87(2)(b)

Sgt. Kish prepared a UF250 for § 87(2)(b) indicating that he was frisked due to the circumstances of: “knowledge of suspect’s prior criminal violent behavior/use of force/use of weapon”, “furtive movements”, and “refusal to comply with officer’s directions (Board Review 05).” It was also indicated that § 87(2)(b) was searched. Lt. Zaleski reviewed and signed off on the UF250. However, neither Sgt. Kish nor Lt. Zaleski recalled who frisked or searched § 87(2)(b) § 87(2)(b)

§ 87(2)(g)

**Allegation D—Abuse of Authority: Lt. Christopher Zaleski frisked § 87(2)(b)**

**Allegation E— Abuse of Authority: Lt. Christopher Zaleski searched § 87(2)(b)**

After the stop of the occupants as described above, Lt. Zaleski directed § 87(2)(b) to exit the vehicle. § 87(2)(b) stated that he complied with Lt. Zaleski’s instruction, and when he exited, Lt. Zaleski patted his waistband, crotch area, and also placed his hand inside his pockets (Board Review 01). § 87(2)(b) stated that he wore basketball shorts that had two front pockets and one rear pocket; all of which were empty. § 87(2)(b) only saw § 87(2)(b) being frisked by an officer and did not know if he was searched.

Lt. Zaleski stated that after he realized that § 87(2)(b) who was a known criminal as described in the below analysis, was in the vehicle combined with § 87(2)(b)’s hasty motion to enter his vehicle, his intent changed from investigating the tint infraction to ensuring that there were no firearms inside the vehicle (Board Review 06). Moreover, in Lt. Zaleski’s initial statement, he did not observe § 87(2)(b) making any movements inside the vehicle. However, when he was prompted with the “furtive movements” on the UF250, Lt. Zaleski stated that it referred to § 87(2)(b)’s action of hastily entering his vehicle aforementioned action and his observation of § 87(2)(b) fidgeting in his seat by lifting his body up with his hands to the side of the seat. Lt. Zaleski subsequently instructed § 87(2)(b) out of the vehicle and he did so after more than two commands to do so were given. Once § 87(2)(b) was out of the vehicle, Lt. Zaleski did not observe any bulges on § 87(2)(b). Additionally, Lt. Zaleski did not recall what § 87(2)(b) was wearing. Lt. Zaleski then patted down § 87(2)(b)’s front and back waistband area, the outside of his front and back pant pockets, and his ankles. Lt. Zaleski did not recall if he went inside any of § 87(2)(b)’s pockets or requested him to remove any items. Moreover, he denied feeling anything as a result of the frisk.

Sgt. Kish prepared a UF250 for § 87(2)(b) indicating that he was frisked due to the circumstances of “knowledge of suspect’s prior criminal violent behavior/use of force/use of weapon”, “furtive movements”, and “refusal to comply with officer’s directions” (Board Review 03). It was also indicated that § 87(2)(b) was searched because of a hard object and because he was associating with a known criminal. Lt. Zaleski reviewed and signed off on the UF250.

An officer may frisk an individual that has been stopped if the officer reasonably suspects that the person is armed and dangerous, People v. DeBour 40 N.Y.2d 210 (1976) (Board Review 15). An



officer may perform a frisk if he/she has reasonable suspicion that a person is armed and dangerous Arizona v. Johnson 555 U.S. 323(2009) (Board Review 14). While an officer's knowledge of a person's criminal history may be relevant to providing founded suspicion of criminality, founded suspicion of criminal activity arises only when there is some present indication of criminality based on observable conduct, People v. Boulware 130 A.D.2d 370 (Board Review 16).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

**Allegation G —Abuse of Authority: An officer frisked** § 87(2)(b)

**Allegation H —Abuse of Authority: An officer searched** § 87(2)(b)

§ 87(2)(b) alleged that after he was frisked and searched by Lt. Zaleski by the driver side door of the vehicle he was then brought to the rear of the vehicle where he was frisked and searched by another officer. § 87(2)(b) also stated that he observed § 87(2)(b) being frisked by an officer at the rear of the vehicle, but did not see the officer search him.

Lt. Zaleski and Sgt. Kish stated that Lt. Zaleski was the only officer that frisked § 87(2)(b) (Board Review 06 and 07). Moreover, they both were unable to identify the additional units that arrived on the scene and stated that they did not take any police action during the incident.

§ 87(2)(g)

**Allegation K—Abuse of Authority: Sgt. Frank Kish searched the vehicle in which § 87(2)(b) was an occupant.**

**Allegation L—Abuse of Authority: Lt. Christopher Zaleski searched the vehicle in which § 87(2)(b) was an occupant.**

**Allegation M—Abuse of Authority: Officers searched the vehicle in which § 87(2)(b) was an occupant.**

It is undisputed that officers searched § 87(2)(b)'s vehicle. However, it is in dispute as to how many officers participated in the search and the scope of their search.

§ 87(2)(b) and § 87(2)(b) were all brought to the rear of the vehicle after being frisked. § 87(2)(b) and § 87(2)(b) both alleged that multiple officers opened all four doors of the vehicle and searched (Board Review 01 and 02). Moreover, they both alleged that the officers opened and searched the trunk of the vehicle. The did not observe the officers opening any compartments inside the vehicle, but when § 87(2)(b) returned inside his vehicle, he noticed that his glove compartment and arm rest were left opened.

Lt. Zaleski stated that he suspected that the occupants might be in possession of a firearm or that might be a firearm inside of the vehicle (Board Review 06). Thus, after all the occupants were at the rear of the vehicle, Lt. Zaleski believed he entered the front passenger side and checked if there were any weapons of contraband in in plainview. He specifically looked around the passenger seat, the floor, and “grabbable areas.” He did not recall looking under the seat, behind the seat, or opening any compartments. He did not recall entering through any of the other doors of the vehicle and denied opening the trunk. He did not recall if the trunk was opened at any point. Moreover, he did not recall if Sgt. Kish entered or searched the vehicle.

Sgt. Kish acknowledged that he entered the front passenger side of the vehicle to ensure that a firearm was not dropped or hidden under the seat (Board Review 07). He specified that he did a visual look at the floorboard without lifting up any mays, checked between the seat cushion of the front passenger seat, and looked underneath the front passenger seat. He denied opening any compartments or the trunk. Once Sgt. Kish completed his search, Lt. Zaleski then searched the front driver side of the vehicle. Sgt. Kish also stated that he was specifically looking for a weapon.

Absent probable cause, there may be circumstances where, following a lawful stop, facts revealed during a proper inquiry or other information gathered during the encounter lead to the conclusion that a weapon located within the vehicle presents an actual and specific danger to the officers' safety sufficient to justify a further intrusion and search the vehicle, People v. Torres, 74 N.Y.2d 224 (1989) (Board Review 18). When the “actual and specific danger” has been eliminated, an officer may not extend his search into a stopped vehicle without probable cause, People v. Mundo, 750 N.Y.S.2d 837(2002) (Board Review 17).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

**Allegation N—Abuse of Authority: Officers refused to provide their names and shield numbers to § 87(2)(b)**

It is in dispute whether § 87(2)(b) requested the additional responding officers for their name and shield numbers

§ 87(2)(b) alleged that also requested for all of the officers on the scene for their names and shield numbers, but only Lt. Zaleski provided the information to him while Sgt. Kish provided it to § 87(2)(b) (Board Review 02). § 87(2)(b) alleged that when he asked Sgt. Kish and Lt. Zaleski for their name and shield, they ultimately provided it to § 87(2)(b) and also showed their badges (Board Review 01). § 87(2)(b) did not ask any of the additional officers because they already walked away. Moreover, he did not hear any of the other civilians request for the officers' name and shield.

Sgt. Kish acknowledged that he only heard § 87(2)(b) ask for his and Lt. Zaleski's name and shield number. Both Sgt. Kish and Lt. Zaleski denied hearing § 87(2)(b) asking the additional officers for their names or shield numbers (Board review 06 and 07).

Pod:

Investigator: \_\_\_\_\_  
Signature Print Date

Pod Leader: \_\_\_\_\_  
Title/Signature Print Date

Attorney: \_\_\_\_\_  
Title/Signature Print Date